

1 S.287

2 Representative Moran of Wardsboro moves that the House propose to the  
3 Senate that the bill be amended as follows:

4 First: By inserting a new section to be Sec. 1a after Sec. 1 to read as  
5 follows:

6 Sec. 1a. 18 V.S.A. § 7251 is amended to read:

7 § 7251. PRINCIPLES FOR MENTAL HEALTH CARE REFORM

8 The ~~general assembly~~ General Assembly adopts the following principles as  
9 a framework for reforming the mental health care system in Vermont:

10 \* \* \*

11 (10) The dignity and safety of all participants in Vermont's mental  
12 health system shall be protected, including health care professionals and other  
13 staff providing care and support to individuals with a mental condition.

14 Second: By striking out Sec. 4, 18 V.S.A. § 7257, in its entirety and  
15 inserting in lieu thereof a new Sec. 4 to read as follows:

16 Sec. 4. 18 V.S.A. § 7257 is amended to read:

17 § 7257. REPORTABLE ADVERSE EVENTS

18 (a) An acute inpatient hospital, an intensive residential recovery facility, a  
19 designated agency, or a secure residential recovery facility shall report to the  
20 ~~department of mental health~~ Department of Mental Health instances of death or  
21 serious bodily injury to:

1           (1) individuals with a mental health condition in the custody or  
2           temporary custody of the ~~commissioner~~ Commissioner; or

3           (2) health care professionals or staff members of the hospital or facility  
4           when the death or injury was caused by an individual in the custody or  
5           temporary custody of the Commissioner.

6           (b) An acute inpatient hospital, an intensive residential recovery facility, a  
7           designated agency, or a secure residential recovery facility shall report to the  
8           Department of Mental Health any incident involving a simple assault pursuant  
9           to 13 V.S.A. § 1023, an aggravated assault pursuant to 13 V.S.A. § 1024, or  
10          the reckless endangerment of another person pursuant to 13 V.S.A. § 1025  
11          when:

12           (1) the victim or assailant is an individual in the custody or temporary  
13           custody of the Commissioner; and

14           (2) a police report or workers' compensation claim, or both, were filed  
15           as a result of the event.



1 ~~governor~~ Governor and the ~~general assembly~~ General Assembly on the  
2 condition of hospitals, on the physical and medical treatment of patients  
3 therein, on the safety of health care professionals and staff members having  
4 direct contact with individuals in the custody of the Commissioner, on the need  
5 for community services to former patients and those mentally ill persons not  
6 hospitalized, and on any other matters the ~~commissioner~~ Commissioner deems  
7 advisable.

8 Fifth: By inserting a new section to be Sec. 12a after Sec. 12 to read as  
9 follows:

10 Sec. 12a. 18 V.S.A. § 7617 is amended to read:

11 § 7617. FINDINGS; ORDER

12 \* \* \*

13 (c) Prior to ordering any course of treatment, the ~~court~~ Court shall  
14 determine whether there exists an available program of treatment for the  
15 person which is an appropriate alternative to hospitalization. The ~~court~~ Court  
16 shall not order hospitalization without a thorough consideration of available  
17 alternatives.

18 (d) Before making its decision, the ~~court~~ Court shall order testimony by an  
19 appropriate representative of a hospital, a community mental health agency,  
20 public or private entity or agency, or a suitable person, who shall assess the  
21 availability and appropriateness for the individual of treatment programs other

1 than hospitalization and the effect each treatment alternative has on staff  
2 safety.

3 (e) Prior to ordering the hospitalization of a person, the ~~court~~ Court shall  
4 inquire into the adequacy of treatment to be provided to the person by the  
5 hospital. Hospitalization shall not be ordered unless the hospital in which the  
6 person is to be hospitalized can provide him or her with treatment which is  
7 adequate and appropriate to his or her condition and which takes into  
8 consideration the safety of its health care professionals and other staff  
9 members.